

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Larry A. White,)	
)	
Plaintiff,)	
)	Civil Action No. 9:22-cv-3000-BHH
v.)	
)	<u>ORDER</u>
Bryan Stirling, Agency Director; Amy)	
Enloe, Registered Nurse; Charles)	
Williams, Perry Correctional Warden;)	
South Carolina Department of)	
Corrections; and Cynthia Baldwin,)	
Dentist,)	
)	
Defendants.)	
)	

This matter is before the Court upon Plaintiff Larry A. White’s (“Plaintiff”) pro se complaint alleging a violation of his constitutional rights. The matter was referred to a United States Magistrate Judge for preliminary determinations in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.).

On March 21, 2023, Magistrate Judge Molly H. Cherry issued a report and recommendation (“Report”), outlining the issues and recommending that the Court deny Plaintiff’s motion for preliminary injunction and restraining order. Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that Plaintiff has not demonstrated that he is entitled to a temporary restraining order or preliminary injunction in accordance with *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008). Accordingly, the Court adopts in full the Magistrate Judge’s Report (ECF No. 55) and specifically incorporates it herein, and the Court denies Plaintiff’s motion for preliminary injunction and temporary restraining order (ECF No. 48).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

April 13, 2023
Charleston, South Carolina